

# In re Interest of Catalino V.

## Caselaw No.

A-14-0228 Not designated for permanent publication

## Filed on

Tuesday, August 19, 2014

**SUMMARY:** Termination of a father's parental rights was proper where there was evidence that the father had little contact with his son and did not participate in services. In addition, the termination of a mother's parental rights was supported by evidence that the mother failed to put herself in a position to provide her son with stability.

In March 2012, DHHS received a report that Catalino and Kathleen were engaging in domestic violence in the presence of their son Catalino III (?Dre?) (DOB 3/2006). Dre reported witnessing domestic violence between his parents and intervening in fights, and Kathleen admitted to using marijuana. A department worker helped Kathleen develop a safety plan that included keeping Dre away from Catalino. Because of her failure to follow the safety plan, the State filed a petition regarding Dre on May 14, 2012. Kathleen admitted to allegations that Dre was in a situation dangerous to no fault of Kathleen's. An adjudication hearing was held on August 7, 2012 concerning the allegations pertaining to Catalino; Catalino did not appear at the hearing and Dre was adjudicated as to Catalino. The State filed a motion to terminate Catalino's and Kathleen's parental rights as to Dre on February 22, 2013. At the termination hearing held June 24, 2013, there was evidence that Catalino did not engage in services and had not been a part of Dre's life for over a year. Dre did not have a strong bond with Catalino. Though Kathleen initially participated in services, as the case continued she was inconsistent in her participation and occasionally went weeks without seeing Dre. Kathleen was bonded with Dre but continued to have contact with Catalino and failed to address her substance abuse problems. Kathleen also failed to provide Dre with any substantial or consistent financial support. Kathleen admitted that she "slacked" during the case, but believed that Dre was thriving in his current situation and that she just needed more time to work on getting her life together. Dre's therapist testified that Dre needed permanency and Kathleen was not capable of providing that. The juvenile court terminated Catalino's and Kathleen's parental rights as to Dre.

The Nebraska Court of Appeals affirmed the terminations of parental rights. The termination of Catalino's parental rights was in Dre's best interests because Catalino repeatedly demonstrated that he did not want to be a part of Dre's life. Catalino had very little contact with his son and Dre had not shown any interest in reuniting with his father. Kathleen had substantially and repeatedly neglected Dre by continuing to put her relationship with Catalino before Dre. According to the Court, "though Kathleen knew what needed to be accomplished to achieve reunification with Dre, she purposefully chose not to make any efforts." Termination of Kathleen's parental rights was in Dre's best interests because Dre needed permanency and stability and Kathleen could not provide those for Dre.

## Tags

appeal,  
best interests,  
dissociation,

dysregulation,  
father,  
final order,  
no fault,  
regression,  
rehabilitation plan,  
substantial rights,  
Terry,  
therapeutic visitation,  
therapy,  
Trenel,  
visitation

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